

DELIO BATISTA vs AVANT ASSURANCE INC.
Quintero, Andrea on 04/12/2023

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-CV-22671-ALTONAGA/TORRES

DELIO BATISTA, CARLOS LOPEZ,
MARIANA LOPEZ, and RAFAELA VALIENTE,

Plaintiffs,

vs.

AVANT ASSURANCE INC., REINIER CORTES,
AND ANDREA GONZALEZ QUINTERO,

Defendants.

_____ /

VIDEOTAPED DEPOSITION OF ANDREA GONZALEZ QUINTERO

TAKEN ON BEHALF OF THE PLAINTIFFS

APRIL 12, 2023
10:15 A.M. TO 11:18 A.M.

ALL PARTIES APPEARED REMOTELY
PURSUANT TO
FLORIDA SUPREME COURT ORDER AOSC20-23

REPORTED BY:
NICHOLAS CINTAS, COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA

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BY TOUSSAINT CUMMINGS, ESQUIRE

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(NO EXHIBITS MARKED)

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1 VIDEOTAPED DEPOSITION OF ANDREA GONZALEZ QUINTERO

2 APRIL 12, 2023

3 THE COURT REPORTER: Good morning, everyone.
4 We are now on the video record. Today's date is
5 April 12th, 2023. And the time is 10:15 a.m.

6 We are here today to take the videotaped
7 deposition of Ms. Andrea Gonzalez Quintero. This
8 is taken in the matter of Delio Batista, Carlos
9 Lopez, Mariana Lopez, and Rafaela Valiente vs.
10 Avant Assurance, Inc. Reinier Cortes, and Andrea
11 Gonzalez Quintero. The Case Number is
12 1:22-CV- 22671-ALTONAGA/TORRES.

13 The Court Reporter and Videographer is
14 Nicholas Cintas with the firm of Universal Court
15 Reporting.

16 All parties are appearing remotely. May I
17 please have our attorneys introduce themselves for
18 the record?

19 MR. CUMMINGS: Toussaint Cummings on behalf of
20 the Plaintiffs.

21 MR. CUETO: Santiago Cueto on behalf of the
22 Defendants.

23 Thereupon:

24 ANTHONY OWENS

25 Interpreter, having been first duly sworn, testified as

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1 follows:

2 ANDREA GONZALEZ QUINTERO

3 was called as a witness, and after having been first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. CUMMINGS:

7 Q Good morning. Have you ever taken a
8 deposition before?

9 A No.

10 Q I'm just going to explain some basic rules of
11 a deposition before we get started. Basically, they
12 just had to do with being respectful to the Court
13 Reporter.

14 The Court Reporter is typing down everything,
15 all of my questions to you and all of your answers back
16 to me.

17 And when the deposition is done, it will be
18 printed up in a transcript, that is a little booklet
19 that will have a question line and an answer line.

20 So, therefore it's very important that we only
21 speak one at a time, so that the Court Reporter can
22 clearly write down the question and the answer.

23 If there comes a time where you cut off my
24 question or I cut off your answer, then I will repeat
25 the question, so that we can have a clear question and

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1 clear answer. Understood?

2 A Yes.

3 Q And you always have to provide a verbal
4 response. If you shake your head yes or no, or if you
5 say um-hum or uh-huh, then that doesn't mean anything
6 when the Court Reporter goes to type it down. So,
7 please always provide a verbal response. Understood?

8 A Yes.

9 Q And finally, you understand that the -- do you
10 understand that the Court Reporter just swore you in
11 under oath to tell the truth?

12 A Yes.

13 Q So, it's very important that you tell the
14 truth today and give a truthful response to all of my
15 answers, understood -- I'm sorry, to all of my
16 questions. Understood?

17 A Yes.

18 Q All right. What is your full name, including
19 middle name, if you have one?

20 THE INTERPRETER: This is the Interpreter
21 speaking. Apparently, the only thing that came
22 through actually was including a middle name if you
23 have one. So, maybe there was a freeze and I'm not
24 sure if the others were able to catch.

25 MR. CUMMINGS: I'm experiencing the same thing

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1 on my end.

2 THE INTERPRETER: Okay. If you can please
3 repeat the question?

4 MR. CUMMINGS: Yeah, I'll repeat it. Just to
5 let you know I'm experiencing the same thing on my
6 end. So, even though I can't tell everything that
7 you are saying as the Interpreter, I know that
8 sometimes the beginning of what you're saying
9 sounds cut off.

10 So, I'm not sure if Ms. Gonzalez is hearing
11 the whole translation, but I guess, she'll let us
12 know, so. Yeah.

13 THE INTERPRETER: Would you like me to ask her
14 at this point?

15 MR. CUMMINGS: Yeah, if you can ask if she's
16 hearing the complete translation.

17 THE INTERPRETER: Okay. Sure.

18 THE WITNESS: Only for the last question was I
19 not able to hear the interpretation.

20 BY MR. CUMMINGS:

21 Q Okay. No problem. So, I'll just go back to
22 my first question, which was what is your full name?

23 A Andrea is my first name and my last name is
24 Gonzalez Quintero.

25 THE INTERPRETER: And apparently she said

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1 something while I was interpreting. The
2 Interpreter will ask her to repeat that part.

3 A I do not have a middle name.

4 BY MR. CUMMINGS:

5 Q All right. What is your date of birth?

6 A 07/17/1980.

7 Q Where were you born?

8 A Bogota, Colombia.

9 Q How long have you lived in the United States?

10 A Nine years.

11 Q Did you move directly to the United States
12 from Colombia?

13 A Yes.

14 Q When you moved to the United States, did you
15 move to Miami?

16 A Yes.

17 Q What is your current address?

18 A 8405 Northwest 34th Drive, Miami, Florida
19 33122.

20 Q How long have you lived there?

21 A Five months.

22 Q What was your previous address before this
23 one?

24 THE INTERPRETER: Requires clarification.

25 A So, that was 4663 Northwest 83rd Parkway,

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1 Doral, Florida 33166.

2 BY MR. CUMMINGS:

3 Q How long did you live at that address?

4 A One year.

5 Q Did you live at that address with Reinier
6 Cortes?

7 A Yes.

8 Q Did Mr. Cortes' mother also live there with
9 the two of you?

10 A No.

11 Q Has Reinier Cortes' mother ever lived -- I'm
12 sorry, yes, has Reinier Cortes' mother ever lived with
13 you and Mr. Cortes?

14 A No.

15 Q Has your mother ever lived with you and
16 Reinier Cortes?

17 A No.

18 Q Do you know who Delio Batista is?

19 A Yes.

20 Q Is it your understanding that Mr. Batista is
21 dating Reinier Cortes' mother?

22 A Yes, however they're not dating, they live
23 together.

24 Q In your -- from your point of view, what's the
25 difference between them dating and living together?

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1 A When you are dating someone you are living as
2 boyfriend and girlfriend. You're not sleeping together
3 every day, you do not share bills.

4 However, when you live with someone, they
5 sleep together every day, they -- and they have rent
6 light, water, internet, and all these others. They pay
7 those, they share those.

8 Q Was there ever a time when Reinier's mother
9 lived with him at any address?

10 THE INTERPRETER: She is asking that
11 Reinier's mother would have lived with whom?

12 Q Reinier. Meaning that Reinier's mother lived
13 with him in a house that he owned?

14 A Yes, prior to our getting married and living
15 together, he lived with his mother.

16 Q What is your phone number?

17 A (305) 778-9494.

18 Q Did you attend school -- or did you attend
19 college in Colombia?

20 A Yes.

21 Q Do you have -- did you graduate with a degree
22 in Colombia?

23 A Yes.

24 Q What is your degree in?

25 A Registered nurse.

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1 Q Did you work as a registered nurse in
2 Colombia?

3 A Yes.

4 Q Have you worked as a registered nurse in the
5 United States?

6 A No.

7 Q What was the first job that you had when you
8 moved to the United States?

9 A McDonald's.

10 Q What did you do there?

11 A I took care of the drive-thru.

12 Q How long did you work there?

13 A I do not remember.

14 Q Was it more or less than one year?

15 A Less than a year.

16 Q What was your next job after McDonald's?

17 THE INTERPRETER: Requires clarification.

18 A It was a shared part-time between Toys "R" Us,
19 Carter's and Forever 21.

20 BY MR. CUMMINGS:

21 Q And how long did you work those jobs?

22 A I do not remember, less than a year.

23 Q Where do you currently work?

24 A Avant Assurance.

25 Q How long have you been working for Avant -- or

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1 with Avant Assurance?

2 A I've been working with them for less than a
3 year.

4 Q Did you start working -- when you started
5 working for Avant Assurance, were you married to Mr.
6 Cortes?

7 A Yes.

8 Q When did you marry Mr. Cortes?

9 A Year 2013, in June of 2013.

10 Q Did you know Mr. Cortes before you moved to
11 the United States?

12 A Yes.

13 Q How did you know him?

14 A My sister introduced him to me.

15 Q Do you currently hold any licenses?

16 A Yes.

17 Q What types of licenses do you currently hold?

18 THE INTERPRETER: Interpreter would like to
19 verify.

20 A I have a license -- I hold licenses as a
21 medical assistant, electrocardiographist, phlebotomist
22 and insurance agent.

23 BY MR. CUMMINGS:

24 Q Are all of those licenses valid in the United
25 States?

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1 A Yes.

2 Q Do you use any of the other licenses besides
3 your insurance agent license?

4 A Nowadays, no.

5 Q At some point did you work as a medical
6 assistant in the United States?

7 A Yes.

8 Q Okay. When did you do that?

9 A It is from 2016 through 2020, four years.

10 Q Where did you work as a medical assistant?

11 A Leon Medical Center.

12 Q Leon, L-E-O-N?

13 A Yes.

14 Q Do you currently have any -- never mind
15 scratch that. Have you ever been arrested?

16 A No.

17 Q In the United States or in any other country?

18 A No.

19 Q Have you ever been convicted of any crimes in
20 the United States or any other country?

21 A No.

22 Q Have you ever filed a lawsuit against anybody
23 in the United States?

24 A No.

25 Q Okay. Besides this current lawsuit, have you

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1 ever personally been sued by anybody in the United
2 States?

3 A No.

4 Q Besides Avant Assurance, do you currently work
5 any other jobs?

6 A No.

7 Q What is your position or your title at Avant?

8 A Vice President.

9 Q What are your duties as the vice president?

10 A To support all independent agents, link with
11 Avant to support with contracts that they must have with
12 the insurance and documentation.

13 MR. CUMMINGS: Was that -- it is that all she
14 said so far?

15 THE INTERPRETER: Yes.

16 BY MR. CUMMINGS:

17 Q Okay. Now, when you say support independent
18 agents, what do you mean by that?

19 MR. CUETO: I'm sorry repeat the question
20 please.

21 MR. CUMMINGS: Yes. What does she mean by one
22 of her job duties is to support independent agents?

23 MR. CUETO: Yeah, she can answer that.

24 MR. CUMMINGS: Okay. Santiago, sorry. I
25 don't know who is asking that question. But yeah

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1 that's the question.

2 MR. CUETO: Mr. Cummings, are you there?

3 MR. CUMMINGS: I'm here, yeah. I didn't hear
4 a response though. Was there a response?

5 MR. CUETO: Yeah, there was.

6 MR. CUMMINGS: I didn't hear the translation--
7 oh, you know what, I didn't hear the translation.
8 I didn't hear the translation.

9 MR. CUETO: There hasn't been one, the
10 Interpreter just asked for a moment.

11 MR. CUMMINGS: I didn't hear that. I was just
12 waiting for the translation.

13 THE INTERPRETER: Yeah, she had a very long
14 statement and so I'm just trying to make sure we
15 get it correctly. So, if you could also ask her to
16 provide shorter statements that would be very
17 helpful. Okay. So, give me a moment.

18 A Okay. So, yes -- so what it means is that in
19 order for the agent to sell, they need to have signed
20 contracts with each of the insured. And what that
21 requires is for them to have current documentation.

22 So, that allows them to sell their products
23 and obtain this contract. My job is precisely to do
24 that, is to support them by helping them to keep their
25 documentation current. That way they can continue to

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1 have their subscriptions. Therefore, make money.

2 BY MR. CUMMINGS:

3 Q So, does each insurance agent that works for
4 Avant have to have a contract with the insurance
5 companies that they are selling for?

6 MR. CUETO: I'm going to object to the form.

7 This is an individual deposition. You didn't
8 notice her as an officer of Avant, just as Andrea,
9 as an individual. So, to the extent you get into
10 the corporate aspects of the operations of Avant,
11 I'm going to object to that.

12 You're welcome to re-notice her as a corporate
13 officer. And today she's just noticed as an
14 individual. So, I would object to the continuation
15 of asking about company operations and such.

16 MR. CUMMINGS: Okay. But I mean, she's here
17 as an employee of Avant, so she can testify to
18 whatever she knows about the business. So, I
19 understand your objection, but I'll just note it
20 for the record and she can answer.

21 A So, I cannot answer you for each of Avant
22 agents. So, I am an individual, but like as Andrea
23 Gonzalez, as an agent of Avant or any other health
24 insurance agency must be contracted with them in order
25 to be with that carrier in order to sell must be

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1 contracted with them to be able to sell any of their
2 products.

3 BY MR. CUMMINGS:

4 Q And does that mean that the agents have to
5 sign a contract to work -- well, let me rephrase that.
6 Does that mean that the agents have to sign a contract
7 to sell for each individual insurance company?

8 MR. CUETO: Object to the form. And I
9 reiterate my prior objection. You can answer.

10 A I do not know if each agent has to sign.
11 Andrea Gonzalez must sign and must authorize the
12 contract with the insurance company.

13 BY MR. CUMMINGS:

14 Q Okay. On behalf of Avant Assurance?

15 MR. CUETO: Object to the form. Reiterate my
16 prior objection.

17 A -- the question and let me know if I can or
18 cannot answer it.

19 MR. CUMMINGS: You know what, it would
20 probably be good to just take a quick break for a
21 second, but I don't want to go off the record.

22 So, Mr. Cueto, when you -- when you're
23 objecting to form, are you objecting to the form of
24 the question or are you just objecting to the
25 substance of the question? Because I'm asking

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1 about the corporation itself.

2 MR. CUETO: The last two, both. I mean I'm
3 very careful with form, the way the question was
4 asked required my objecting to form. As it would
5 have been a normal question -- Independently of
6 that, continuing to go into the Avant stuff because
7 she's here noticed solely as an individual, not
8 authorized to answer on behalf of the company.

9 MR. CUMMINGS: Well, yeah, I think it's
10 understood that this is not a corporate rep depo.
11 We took the corporate rep depo yesterday, but what
12 other purpose would Ms. Gonzalez be here?

13 I'm not here to ask her about her -- just
14 solely about her personal life, right? Like she is
15 a named Defendant in this case. So, I'm sorry, not
16 a name Defendant.

17 She is an employee, the vice president of the
18 corporation. What other purposes is she being
19 offered for?

20 MR. CUETO: She is a named Defendant, she's
21 been an individual in this lawsuit and this
22 deposition solely says her in her individual
23 capacity. If you wanted to depose her as an
24 officer of the corporation, in her capacity, then
25 you could very well do that.

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1 Again, there is rules to follow. And here
2 today, just like Reinier's deposition yesterday was
3 not individually, it was a corporate rep depo and I
4 understand you're going to re-notice this
5 potentially as an individual from you and in that
6 same vein you're welcome to depose the Defendant as
7 an individual.

8 But again, she was noticed as an individual
9 and she's preparing to testify as an individual,
10 but she wasn't noticed to testify as an officer of
11 the corporation or as vice president of the
12 corporation.

13 MR. CUMMINGS: But I think you're
14 misunderstanding, it doesn't work both ways. When
15 I notice a corporate rep deposition that I am
16 actually deposing Avant Assurance itself, right?

17 MR. CUETO: Right.

18 MR. CUMMINGS: Okay. But if I am talking to
19 an employee of the corporation with limits, am I
20 bound by in my questioning?

21 MR. CUETO: You can ask her what she does.

22 MR. CUMMINGS: We can't ask what -- no, I'm
23 not asking what I can't ask her. I want to know
24 what I can't ask her according to you, and then
25 tell me what authority you have for it.

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1 MR. CUETO: Well, she's not responding on
2 behalf of the company. You're correct. As what
3 her jobs are as an individual of -- you're asking
4 questions it seems to me, what is -- how does an
5 insurance person do this? And how does this work
6 in the company? How does that work in the company?
7 She can tell you as an individual, but companywide,
8 you know, that's not her role.

9 MR. CUMMINGS: Well, I mean she can --

10 MR. CUETO: No, it seems like you're
11 overlapping into what corporation does versus what
12 she does as an employee.

13 MR. CUMMINGS: No, I mean, I think that's just
14 the way you're taking it, but all it is that
15 whatever she answers doesn't bound the corporation,
16 Reinier's depositions bound -- yesterday bound the
17 corporation as the corporate rep.

18 I can ask her whatever I want to ask her, I
19 can ask her everything under the sun and so, yeah.

20 MR. CUETO: No, I don't think so. That's --

21 MR. CUMMINGS: And that's why you can make
22 whatever objections you want.

23 MR. CUETO: That's why we agree or disagree on
24 making the objections. You can go ahead and
25 proceed to ask about-- keep making objections again

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1 if you conduct the person is an employee of the
2 company, then it should have been noticed as
3 employee of the company. She's just noticed as an
4 individual.

5 MR. CUMMINGS: But what else --

6 MR. CUETO: I didn't name her as a Defendant.
7 I don't know why you named her as a Defendant.
8 Okay. So, you named her as a Defendant in the
9 lawsuit, you've noticed her as an individual in
10 this deposition. So, you can proceed with the
11 caveat that she's not going to answer in terms of
12 what the policies and procedures are of the
13 company.

14 If she knows it as an individual employee,
15 then that's okay. I'm just being very, very
16 careful with the role she has here and how she was
17 noticed.

18 MR. CUMMINGS: Yeah, I think we're saying the
19 same thing. I think the only misunderstanding that
20 you're having is that she does not bind the
21 corporation. So, that's fine.

22 MR. CUETO: No, I was cautious. I understand
23 that. It's very clear, very well, we both have
24 been doing this a long time. But as an individual,
25 you're asking certain questions that seem to, you

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1 know, what is the company's -- without saying so
2 many words, but along the lines of like how is this
3 done at the company.

4 How is that done at the company? And as her
5 role and what she knows as her role as an employee,
6 that's okay. But when you're asking her things
7 that's outside of her duties and responsibilities,
8 you know that's -- it's kind of like asking
9 question, how does the company do things outside of
10 her role and responsibilities.

11 I don't want to belabor this, but you know, we
12 can just continue on. We understand our
13 disagreement. I don't think it's as clear as you
14 think it is but you know, we'll go on with the
15 deposition. I'll keep making objections.

16 MR. CUMMINGS: Well, I think that's my only
17 issue because if you keep making -- first of all,
18 we're going -- we started a little late because we
19 had issue with the Court Reporter.

20 Now, we have translation going on. I mean,
21 you saw how long the deposition was yesterday. That
22 was without a translator. So, if you continue to
23 object, it's going to further make this deposition
24 longer.

25 MR. CUETO: No.

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1 MR. CUMMINGS: So, I mean --

2 MR. CUETO: Yeah --

3 MR. CUMMINGS: You can just have a standing
4 objection and I think it's understood. But if you
5 keep making this, that's why I was trying to
6 differentiate between is it the form of the
7 question or you're just saying that, you know, you
8 don't want certain questions to be asked so she
9 doesn't have to answer them because of her
10 individual capacity.

11 And if that's your standing objection, then
12 just let that be the standing objection. But I
13 don't think you need to object that every single
14 time I ask her that.

15 MR. CUETO: As I said my disagreement.

16 MR. CUMMINGS: The record speaks for itself on
17 that. I mean you made the objection. We
18 understand what it is, we'll be taking it to Court,
19 then the Court can rule on it in that way.

20 MR. CUETO: Okay. So, if I can -- get
21 worried-- then. Can I speak? Are you done? Okay.
22 I will continue to make my object to form. In those
23 two instances independent of my standing objection
24 there were objection to form.

25 I'll continue to make those objection. We all

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1 understand what my standing objection is and what
2 Ms. Andrea's role is here today as she was noticed
3 and Avant's yesterday deposition took a while
4 because it's a corporate rep dep. You're entitled
5 to ask a bunch of questions.

6 Ms. Andrea's is -- I would anticipate far more
7 limited since she has a very limited role in the
8 company and her knowledge of the company and as an
9 individual herself. So, you can continue.

10 MR. CUMMINGS: Thank you. And I will explore
11 that. So, I just wanted to know if you're okay
12 with the standing objection or if you're going to
13 continue to object every question asked?

14 MR. CUETO: I will. Again, if there is a --
15 I'll do my standard objections like I do in every
16 deposition and we all understand what my standing
17 objection is.

18 BY MR. CUMMINGS:

19 Q All right. So, I was asking about your duties
20 in the company and you started saying that the agents
21 needed to have contracts with each carrier.

22 What I don't understand is, let's say for
23 example, you already mentioned that you know who Delio
24 Batista is, correct?

25 A Yes, I know the person.

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1 Q Okay. And does Delio Batista have a contract
2 with Ambetter which is separate from his contract with
3 Oscar, which is separate from his contract with whatever
4 other insurance agency that Avant uses?

5 MR. CUETO: Object to form. It was a
6 convoluted question.

7 A I am not authorized by the company to answer
8 this, and I do not remember. I would have to review it.

9 BY MR. CUMMINGS:

10 Q When you say you're not authorized by the
11 company to answer, what does that mean?

12 A I was called here as Andrea Gonzalez, only, as
13 an individual. I can only answer questions as an
14 individual that refer to myself not regarding the
15 company. So, my appointment today here is not as part
16 of the corporation.

17 Q Okay. And as far as you're concerned, what
18 questions are you here to answer today?

19 A All questions that pertain to me as an
20 individual.

21 Q What does that mean?

22 MR. CUETO: Object to the form to the extent
23 it calls for Deponent to answer with a legal
24 conclusion.

25 BY MR. CUMMINGS:

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1 Q But she can still answer. I'm trying to
2 figure out what her understanding of -- I'm trying to
3 figure out what your understanding of what questions you
4 can answer here today?

5 A Whatever you want to know regarding Andrea
6 Gonzalez as a person.

7 Q Well, I'm not really that interested in you as
8 a person. I'm interested in you as an employee of
9 Avant.

10 And so, I'm going to ask you questions about
11 what you do at Avant. Are you going to answer those
12 questions?

13 A Well, I can answer you as Andrea Gonzalez an
14 employee of Avant and I cannot answer things like what
15 type of contracts, or things like that because I am not
16 authorized to discuss legal matters, but -- or I talk to
17 you about things that are personal, but not having to do
18 with matters of the company of Avant. Do you have any
19 questions about those?

20 Q Okay. So, let me just ask you a question,
21 what equipment do sales agents need to do their jobs at
22 Avant?

23 A Well, that sort of question about what
24 equipment is required needs to be asked to Avant or to
25 be asked of an agent of Avant in terms of what equipment

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1 would they need in order to be able to sell.

2 Q Do you know what equipment -- let me ask this.

3 Where is Avant Assurance's office located currently?

4 A In Doral.

5 Q Do you work at that office?

6 A Yes.

7 Q When was the last time you worked at that
8 office?

9 A Yesterday.

10 Q Okay. Are you currently at the office now?

11 A No.

12 Q When you worked at the office yesterday, were
13 insurance agents also working in the office?

14 A Yes.

15 Q Where is your desk or your chair in
16 relationship to those insurance agents?

17 THE INTERPRETER: Clarification.

18 A So, in an office away from theirs, they have
19 their space and I have mine with a door.

20 BY MR. CUMMINGS:

21 Q Okay. And in walking to your office, can you
22 see where the insurance agents are working?

23 A Yes.

24 Q How many floors is the Avant Assurance office?

25 A One.

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1 Q Okay. And from your office, can you see the
2 insurance agents as they're working?

3 A Yes.

4 Q Okay. And when you see the insurance agents
5 working, do you see what kind of equipment they're using
6 while they're working?

7 A Yes.

8 MR. CUMMINGS: Okay. So, at this point, what
9 I'm going to do is I'm going to suspend the
10 deposition and I need to take up with the Court the
11 scope of inquiry that I can have with Ms. Gonzalez
12 because I think she's been misadvised about what
13 types of questions she can ask.

14 So, we'll just go ahead and suspend the
15 deposition.

16 MR. CUETO: You can simply -- or you can make
17 it a lot easier. You can simply notice her
18 correctly as an of -- in her capacity as the vice
19 president of Avant Assurance. Again, you only
20 named her as an individual.

21 MR. CUMMINGS: I think it would be more
22 fruitful, however, if the Court lets us know
23 exactly what the scope of inquiry could be. And so
24 I'll suspend the deposition now, and then I'll --
25 the motion and we'll just take it up before the

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1 Court.

2 MR. CUETO: Again, it would be a lot easier if
3 you simply just noticed her properly.

4 MR. CUMMINGS: --

5 MR. CUETO: Tell me the rule.

6 THE WITNESS: Can you guys -- so that Anthony
7 could interpret?

8 MR. CUMMINGS: Sure.

9 MS. CUETO: And to clarify Mr. Cummings, there
10 is no objection to you asking her questions as an
11 employee regarding her duties responsibilities as
12 an employee of Avant Assurance.

13 The exception we're taking is some of these
14 questions are calling for her to speak on behalf of
15 Avant including areas that she doesn't necessarily
16 knows as an employee.

17 For those questions, you'll need to re-notice
18 her or properly notice her as an officer of the
19 corporation, which you have not done here today for
20 those questions.

21 MR. CUMMINGS: I understand you're laying your
22 records, so I'll lay mine. If I ask her a question
23 and her response is, I cannot answer it because I'm
24 not authorized then that means that somebody told
25 her that she should not answer certain questions.

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1 Her response is not that, I don't know. It
2 would be completely different if she said, I don't
3 know the answer to that question, and then I'll
4 just take my answer as it comes.

5 But that's not what she's saying. What she's
6 saying is that she's not going to answer any
7 question that she feels is not appropriate because
8 she hasn't been authorized to.

9 So, again, I let you lay your record. I laid
10 mine. We'll take it up with the Court. Thank you
11 everybody for your time. Have a good day.

12 MR. CUETO: Thank you, Mr. Cummings. Have a
13 good day. Thank you everybody.

14 THE COURT REPORTER: Thank you. Would the
15 gentlewoman like to read or waive this portion if
16 it is typed up in the future?

17 MR. CUETO: We'll read if it's typed up.

18 (Deposition concluded at 11:18 a.m.)

19 (Reading and signing of the deposition by the
20 witness has been reserved.)
21
22
23
24
25